

REMARKS

Claims 1-3 and 6-7 are now pending in this application for which applicants seek reconsideration. Allowable claim 12 has been canceled, and independent claims 1 and 2 have been amended to incorporate allowable claim 12 to place the application in condition for allowance. In incorporating claim 12, the language "used in the measurement" has been deleted for clarification purposes. That is, "used in the measurement" lacks antecedent basis.

Claims 1-3, 6, and 7 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Akio (USP 6,111,962) in view of Yoshino (USP 7,054,448) and Hooley (GB 0301093.1; USPGP 2006/0153391). Hooley's earliest prior art (§ 102(e)) date is the PCT date (January 19, 2004) as the PCT application published in English (August 5, 2004; WO 2004/066673).

The pending application claims priority to the Japanese priority application filed September 25, 2003, which is earlier than January 19, 2004. Hooley thus is not prior art. Nonetheless, due to the costs associated with obtaining a verified English translation of both the PCT and the Japanese priority applications, applicants instead incorporate the allowable claim 12 into each of independent claims 1 and 2 to expedite the allowance of this application.

Claim 2 uses "means-plus-function" language. Otherwise, claim 2 substantially parallels claim 1. Accordingly, incorporating claim 12 into claim 2 also makes claim 2 allowable.

Applicants submit that the pending claims are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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DATE

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